

PATENT APPLICATION

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Stephen A. Slusher, Reg. No. 43,924

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sharma et al.

Examiner: J. E. Russel

Serial No. 10/049,718

Group Art Unit: 1654

Filed: February 13, 2002

For: Melanocortin Metallopeptide Constructs,
Combinatorial Libraries and Applications

DECLARATION OF SHUBH D. SHARMA UNDER 37 CFR 1.132

I, SHUBH D. SHARMA, hereby declare that:

1. I am an inventor of the subject matter of the above-identified patent application.

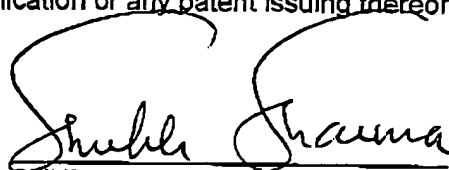
2. I am an author on an Abstract presented at the 218th ACS (American Chemical Society) National Meeting held in New Orleans, LA on August 22-26, 1999. This abstract was a research paper, presenting preliminary biological data relating to selected metallopeptide constructs. The abstract is Abstract No. 257, entitled "Conformationally Constrained Metallopeptide Template for Melanocortin-1 Receptor." In addition to the four named inventors of the above-identified patent application, the

abstract also lists as authors two additional persons, "C. Blood" and "A. Shadiack." Both Blood and Shadiack were employees of Palatin Technologies, Inc., the assignee of the patent application. Both Blood and Shadiack worked on certain biological tests, including certain assays and animal studies or testing. Thus they worked on, or supervised others conducting, biological assays as described at pages 66 and 67 of the parent provisional patent application, U.S. Patent Application No. 60/148,994, which is a portion of the draft poster presentation relating to the cited Abstract No. 257. Because the abstract, and more specifically the poster presentation, included biological data, both Blood and Shadiack were listed as authors. However, neither Blood nor Shadiack were involved in the conception, design or synthesis of the compounds as presently claimed in the above-identified patent application. They simply participated in biological testing of compounds after the compounds were conceived, designed and made by the named inventors of the above-identified patent application. This is further supported by a parallel poster presentation, appearing at pages 70 to 89 of the parent provisional patent application, U.S. Patent Application No. 60/148,994. In this draft poster presentation, which concerns the design of metallopeptides themselves, only the four inventors of the above-identified patent application (Sharma, Shi, Yang and Cai) are listed as authors (see page 70), because this poster concerns the constructs themselves, as opposed to biological data relating to the constructs. Thus Blood and Shadiack were included as authors in Abstract No. 257 because they worked on various assays or tests to determine parameters relating to selected metallopeptides, including specificity with respect to the melanocortin-1 receptor. However, they were not inventors of the invention as presently claimed in the above-identified patent application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements

and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: March 3, 2005


SHUBH D. SHARMA